

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

AUG 26 2004

DAVID J. MALAND, CLERK
BY
DEPUTY _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JAMES EDWIN HODGES, ET AL.,
Plaintiffs

VS.

MACK TRUCKS INCORPORATED,
Defendant

§
§
§
§
§
§
§

CIVIL ACTION NO. 2:03-CV-183

VERDICT FORM

Question 1:

Was there a design defect in the door latch in question at the time it left the possession of Mack Trucks Incorporated that was a producing cause of the injury in question?

Answer "Yes" or "No."

Answer: YES

If you answered "No" to Question 1, then do not answer any more questions. Go to the end of this verdict form and have the foreperson sign and date the form and return it to the Security Officer. Otherwise, proceed to Question 2.

Question 2:

Did the negligence, if any, of Lacy Biehle proximately cause the injury in question?

Answer "Yes" or "No."

Answer: YES

If you answered "Yes" to Questions 1 and 2, then proceed to Question 3. Otherwise, proceed to Question 4.

Question 3:

For each person or product found by you to have caused the injury in question, what percentage of responsibility do you find attributable to each of those listed below? The percentages you find must total 100 percent and must be expressed in whole numbers. The percentage of responsibility attributable to a person or product is not necessarily measured by the number of acts, omissions, or product defects found.

a.	Lacy Biehle	<u>40</u>	%
b.	Mack Trucks Incorporated	<u>60</u>	%
	Total	<u>100</u>	%

Please proceed to Question 4.

Question 4:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate James Hodges for his injuries, if any, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not include damages for one element in any other element. Do not include interest on any amount of damages you find. Answer in dollars and cents for the following elements of damages, if any.

- a. Physical pain and mental anguish sustained in the past.

Answer: 1,000,000

- b. Physical pain and mental anguish that, in reasonable probability, James Hodges will sustain in the future.

Answer: 2,000,000

- c. Physical impairment sustained in the past.

Answer: 200,000

- d. Physical impairment that, in reasonable probability, James Hodges will sustain in the future.

Answer: 150,000

- e. Medical care that, in reasonable probability, James Hodges will incur in the future.

Answer: 4,112,000

- f. Loss of earning capacity in the past.

Answer: 106,852

g. Loss of earning capacity that, in reasonable probability, James Hodges will incur in the future.

Answer: 341,701

Please proceed to Question 5.

Question 5:

What sum of money, if paid now in cash, would fairly and reasonably compensate Beverly Hodges for injuries, if any to her husband, James Hodges, that resulted from the occurrence in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not include damages for one element in any other element. Do not include interest on any amount of damages you find.

- a. Loss of household services.
- b. Loss of consortium

Answer in dollars and cents for damages, if any, that
were sustained in the past; Answer: 0

in reasonable probability will be
sustained in the future. Answer: 0

Please turn the page to the end of this verdict form and have the foreperson sign and date the form and return it to the Security Officer.

The foreperson is requested to sign and date this document in the spaces provided below as the unanimous verdict of the jury and return it to the Security Officer.

8-26-04
DATE


FOREPERSON